THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25051of 2006

01-12-2006

Between:-

Smt. Farzana Begum

Petitioner

And

Municipal Corporation of Hyderabad,
Rep., by its Commissioner, Tank Bund,
Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25051of 2006

Oral order:

The impugned notice by the second respondent dated 22-11-2006 informs the petitioner that she has encroached to a width of 1'-6" on to the municipal property and that she should remove the encroachment failing which the second respondent would remove the encroachment departmentally. The petitioner sent up a reply to the said notice on 24-11-2006, addressed to the second respondent. The petitioner apprehends that without considering the representation/explanation submitted by her on 24-11-2006, the respondent Nos. 1 and 2 would resort to demolish the structures without any justification.

The learned standing counsel for the Corporation appearing for the respondents No. 1 and 2 represents on instructions that no demolition of the petitioner's structures would be carried out by the respondents without passing an order duly considering the petitioner's representation/explanation dated 24-11-2006 and that the order/decision taken by the respondent Nos. 1 and 2 pursuant to the petitioner's objections contained in her letter dated 24-11-2006 will be communicated to the petitioner before taking any action. In case the petitioner is aggrieved by any such decision, as would be

communicated to her as aforestated, the petitioner may pursue appropriate remedies.

The writ petition is accordingly disposed of directing the respondent Nos. 1 and 2 to take a decision on the matter pursuant to the impugned notice dated 22-11-2006 by considering the petitioner's objections dated 24-11-2006. The respondents shall communicate the order to the petitioner by registered post acknowledgement due and till the communication of the decision shall not take further steps pursuant to the notice dated 22-11-2006. No costs.

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GODA RAGHURAM, J

Dated:01-12-2006
Pvks/*